

ADMINISTRATIVE ORDINANCE NO.

ADMINISTRATION BILL NO. 11 - 2010

INTRODUCED – JULY 13, 2010

ADOPTED BY COUNCIL – _____, 2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AMENDING SECTIONS 116-3 THROUGH 116-4.1 OF THE CODE OF THE CITY OF LANCASTER TO MODIFY THE CITY’S CONSTRUCTION CODE TO IMPLEMENT AND MODIFY PROVISIONS OF THE INTERNATIONAL BUILDING CODE OF 2009 AND THE MANNER IN WHICH IT IS APPLIED AND ENFORCED; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. Section 116-3 of the Code of the City of Lancaster be and hereby is amended to read as follows:

“ §116-3. Process for administration and enforcement.

The administration and enforcement of the Code within the City shall be undertaken by the Department of Economic Development and Neighborhood Revitalization. Notwithstanding the foregoing, City Council may from time to time, by appropriate resolution provide for the enforcement of the Code in any of the following methods:

A. By designation of other employees of the City to serve as municipal code officials to act on behalf of the City regarding the administration and enforcement of this chapter and the Code.

B. By retention or appointment of one or more construction code officials or third party agencies to act on behalf of the City regarding the administration and enforcement of this chapter and the Code.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this chapter and the Code through an intermunicipal agreement pursuant to 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation).

D. By entering into a contract with the proper authorities of another municipality for the administration and enforcement of this chapter and the Code on behalf of the City.

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan reviews, inspections and enforcements of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.”

SECTION 2. Section 116-4 of the Code of the City of Lancaster be and hereby is amended to read as follows:

“§116-4 Administrative amendments.

The Code is hereby supplemented by the following administrative amendments:

A. Section 401.1 Definitions. The terms "Building Code Official," "Construction Code Official" and "Current Code Administrator" shall refer to the Bureau Chief ,Code Compliance and Inspections of the Department of Economic Development and Neighborhood Revitalization and those persons appointed by the Director of the Department of Economic Development and Neighborhood Revitalization or the Mayor to assist the Building Code Official. Such persons shall be known as "Code Officials. "

B. Section 403.1, Scope.

(1) Section 403.1(a), Application, shall be amended by the addition of the words “ additions” and to the list of items or matters to which Uniform Construction Code applies.

(2) Subsection 403.1(b)(3) is deleted in its entirety.

C. Section 403.3, Building Code Official Delegation, is hereby amended by the addition of the following:

403.3(c) General. The Building Code Official and the Code Officials shall administer and enforce all of the provisions of this chapter and the Uniform Construction Code and shall act on any questions relative to the mode or manner of construction and materials to be used in the erection, enlargement, alteration, repair, removal, demolition or installation of service equipment and the location, occupancy and maintenance of all buildings and structures, except as otherwise specifically provided for by statutory requirements or as otherwise provided for herein. When deemed necessary by the Building Code Official, approved officials and individuals may be engaged for plan review and inspections.

403.3(d) Conflicts of Interest. A Code Official shall not engage in or be connected with, directly or indirectly, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of the building, or the preparation of construction documents therefor, unless that person is the owner of the building, nor shall such Code Official engage in any work that conflicts with official duties or with interests of the Department.

D. Sections 403.4 and 403.5 shall be added as follows:

403.4 Intent. This chapter and the Uniform Construction Code shall be construed to secure their expressed intent, which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, sanitary equipment, light and ventilation and fire safety, and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition, or occupancy of buildings, structures or premises.

403.5 Matters not provided for. Any requirements that are essential for the structural, fire or sanitary safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this chapter or the Uniform Construction Code, shall be determined by the Building Code Official.

Determinations by the Building Code Official shall be made in one of two written forms of communication.

The first form is the administrative order which will provide guidance as to policy decisions. Administrative orders shall be issued by the Building Code Official to clarify Code questions and to establish departmental policy where no other criteria exists, or where administrative guidance is needed to establish a methodology to resolve recurring problems.

The second form is a standard design bulletin. These bulletins will be issued where Code criteria leave a specific aspect of construction to the judgment of the Building Code Official or the authority having jurisdiction. They will set specific design criteria where necessary.

E. The following provisions of Section 403.42, Permit Requirements and Exemptions, are amended as more fully set forth below:

(1) Add the following sentences to Subsection 403.42(a):

On a form obtained from the Bureau of Code Compliance and Inspections submitted with the applicable permit fee.

Where under these requirements responsibilities are imposed upon a contractor, that term shall also mean any person performing the demolition work, including contractors and the owner or agents of the owner. Final responsibility for compliance with all requirements shall be that of the owner of the structure being demolished.

It shall be the joint responsibility of the owner, lessee, if any, and the contractor to determine that a permit has been obtained before performing any work. It shall be unlawful for any contractor or subcontractor (including the officers thereof if a corporation or the members thereof if a partnership) to perform or for an owner or lessee to permit the performance of any work for which a permit is required unless a permit is obtained and posted as required by Section 403.42.

(2) Delete Subsection 403.42(c) and replace with the following:

It shall be unlawful to: (i) construct, alter, renovate, demolish, repair or move, or apply roofing or siding, or perform sandblasting, waterblasting (with sand and/or chemicals),

plumbing, sprinkler systems, fire detection and suppressing systems, heating or air conditioning work in, on or to any building or, structure; (ii) install swimming pools, spa or hot tub; (iii) change the occupancy of a building or structure requiring greater strength, means of egress or plumbing system component; (iv) change any building or structure to another use; or (v) install or alter equipment for which provision is made or the installation of which is regulated by this Code in, on or to any building or structure, without first filing an application with the Building Code Official in writing and obtaining the required permit therefor; provided, however, that repairs having a fair market value not in excess of the amount set forth in Subsection 403.42(d) shall be exempt from this permit requirement unless such repairs are to the exterior of and would change the appearance of a building, structure or sign located within an area designated to be within the Historic District under the provisions of Chapter 155, Historic Districts, of this Code. It shall be unlawful for any contractor or subcontractor to perform any work for which a permit is required unless such permit is first obtained and is posted as required by this section.

(3) Delete Subsection 403.42(d) and replace with the following:

Where the aggregate fair market value of all ordinary repairs within any consecutive twelve-month period is expected to be over \$300, a building permit under this Section 403.42 shall be required; provided that within the area designated as the Historic District under the provisions of Chapter 155, Historic Districts, of this Code to perform any of the following exterior work upon any building, structure or sign located within the Historic District without first filing for and obtaining a permit therefor: (i) the installation of storm windows or doors, shutters, exterior window boxes, sheds, fences or any and all kinds of exterior appurtenances effecting an appearance change, or (ii) any repairs, if such repairs would effect an exterior appearance change.

(4) Add the following as Subsection 403.42(g):

403.42(g) By submitting an application for a permit, the applicant authorizes the Building Code Official or any Code Official, to enter any structure or premises at any reasonable time to inspect for compliance with the Uniform Construction Code and this chapter.

F. Section 403.42a, Permit application, is amended by adding the following to Subsection 403.42a(a):

At the time of filing an application for a permit the applicant shall present to the Building Code Official evidence that he has obtained all necessary permits, licenses, approvals, special exceptions, and/or variances as may be required by the laws of the City, the county, the commonwealth and the federal government. Individuals, agencies, boards and commissions issuing such permits, licenses, approvals, special exceptions and/or variances shall include, but are not to be limited to, the Zoning Officer, Zoning Hearing Board, City Planning Commission, Building Code Board of Appeals, the Sewage Enforcement Officer, the City Fire Inspector, City Fire Marshall, the City Board of Historic Architecture Review, the City Historical Commission, the City's Department of Public Works – Engineering, the City's Office of Waste Water Operations, the City Water Bureau, the State Police Fire Marshal, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Community and Economic

Development, the Pennsylvania Department of Labor and Industry and applicable state or federal agencies, such as the Soil Conservation District.

G. The following is added as Section 403.42b:

Building permit fees shall be paid to the City upon filing of an application for construction, alteration, renovation, demolition, moving of buildings or structures, roofing, siding, sandblasting, waterblasting with sand and/or chemicals, plumbing, heating, air conditioning, swimming pools, spas or hot tubs and repairs for which a building permit is required by Section 403.42, as amended. Such fees shall be as established from time to time by Resolution of City Council.

Any fee for demolition shall be double the amount of the above permit cost. Where work for which a permit is required by this Code is started prior to obtaining the required permit, the fees set forth herein for such permit shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work or from any other penalties prescribed herein.

Where the work consists of the initial installation of or replacement of furnaces, boilers, hot water heaters, flue-connected heating appliances, stoves, oil or gas burners, heat exchanges or fuel oil supply tanks, the Building Code Official shall issue all permits.

H. Section 403.45, Inspections, is hereby amended by the addition of subparagraphs (f), as follows:

(f) Re-inspections: When a structure or equipment of other system is not ready for the scheduled inspection when the inspector arrives, the responsible contractor and/or permit applicant shall be responsible for payment of such additional inspection fees as established from time to time by Resolution of City Council or by the Third-Party Agency performing the re-inspection.

I. Sections 430.62 through 403.65 relating to permit requirements and exceptions, permit applications, the grant, denial and effect of permits, inspections, and certificates of use and occupancy for residential buildings are hereby amended to conform to Sections 403.42 through 403.46 as amended herein so that the requirements for residential buildings and nonresidential buildings and structures are the same.

J. Section 403.83 is amended by the addition of the following:

K. If an order from the Board of Appeals or an order from the Building Code Official or a Code Official is not complied with within the time stated therein, the Building Code Official or a Code Official may institute proceedings before a district justice for failure to comply therewith.

L. Section 403.122 is amended by adding the language: 403.122 Fees. The application shall be accompanied with payment of a fee of \$300, which fee may be changed from time to time by resolution of City Council of the City of Lancaster.”

SECTION 3. Section 116-4.1 of the Code of the City of Lancaster be and hereby is amended to read as follows:

“§116.4.1 Technical Changes.

The Uniform Construction Code of the Commonwealth of Pennsylvania as adopted by the City of Lancaster is hereby supplemented with the following technical changes:

A. The provisions of the International Building Code of 2009 incorporated in § 403.21(a)(1) of the Uniform Construction Code of the Commonwealth of Pennsylvania are amended as follows:

(1) Section 3107.1 Signs, be and hereby is revised to read as follows: "Signs shall be designed, constructed and maintained in accordance with this Code, the Zoning Ordinance of the City of Lancaster, Pennsylvania and Appendix H of the Code."

(2) Section 3303.4 is amended to read as follows: “Where a structure has been demolished or removed, all construction materials shall be removed from the site and the vacant lot shall be filed and maintained to the existing grade. All back fill materials must remain consistent with the surrounding substrate. Materials shall not be used that will in effect create a drain field. During demolition sufficient materials shall be maintained on hand to complete the back fill process. Compaction is required to be accomplished in twelve inch lifts with hydraulic tamping equipment. The surface shall be completed with an approved material or seeding as required. These requirements shall apply equally to all residential projects.”

(3) Section 3303 Demolition, be and hereby is revised by adding the following Section 3303.7 Demolition Requirements:

Section 3303.7 Demolition requirements. The following are additional requirements for demolition which shall apply equally to all residential projects:

A. Demolition shall include the demolition of all structures, vaults, steps, walls and the disposal of all excess material and rubbish.

B. The contractor shall furnish, erect and maintain approved hazard warning signs in places and locations where the placement of the signs are warranted, especially in working areas or as directed by the Chief Building Official.

C. No burning shall be permitted on the site, unless approved by the City of Lancaster Bureau of Fire.

D. In all cases where a structure is demolished, the contractor shall furnish all additional materials required for filling subsurface areas to the grade of the surface of the adjoining ground. Such material required shall be of a quality acceptable to the Chief Building Official, and a sufficient quantity shall be on hand to ensure uninterrupted progress in completing the backfilling. On completion of the demolition the basement shall be filled to grade. All backfilling shall be done in twelve-inch layers, and each layer shall be compacted by a

ten-ton roller or equivalent equipment approved by the Chief Building Official or certified compaction results shall be performed and provided by an accredited engineering firm. Eighteen inches of soil, free from stones, clods and debris, shall be evenly spread over all areas where demolition activity occurred. The entire area shall be cleaned and graded so a rotary mower can be used in cutting the grass or weeds.

E. In all cases where a structure is demolished, the grading of lots shall be completed in conformance with an approved E&SC plan and shall be approved by the Chief Building Inspector.

F. All combustible material from the demolition activity shall be removed from the site, and any basements or pits exposed by such demolition activity shall be backfilled to at least the adjacent grade levels.

G. Portions of structures more than one floor above grade and located immediately adjacent and parallel to any street shall be demolished piecemeal utilizing a method that will minimize debris falling toward the street.

I. All floor construction, except a concrete basement floor or concrete slab, on grade shall be demolished. All partitions, furnaces, heating apparatus, piping, gasoline or oil tanks, miscellaneous fixtures, stairways, solid masonry and combustible materials shall be removed from the site and shall not be used for backfilling.

J. Before any work is started, the contractor shall inquire of the City Arborist to determine if any trees existing on the site are to be saved. All trees which are to be saved shall be adequately protected.

K. Upon completion of demolition, the contractor shall leave the site in a neat and clean condition clear of all materials, equipment, debris and rubbish.

L. During the demolition of buildings and structures, the work shall be kept thoroughly wetted down to prevent the spread of dust. The contractor shall provide necessary water and connections therefor.

(4) Section 3303.6 Utility connections, be and hereby is amended to read as follows:

Service utility connections shall be discontinued and capped in accordance with the approved rules and requirements of the City of Lancaster. Notwithstanding the foregoing, all sewer laterals must be capped at the curb by the contractor before any demolition starts. A permit must be obtained from the administrative authority recognized under the International Plumbing Code prior to issuance of a demolition permit. Moreover, all electric service shall be disconnected prior to commencing demolition, and all heating utilities shall be made permanently inoperable by removal of fuel supplies prior to demolition.

(5) Section 3307 Protection of adjoining property, be and hereby is amended by adding the following Sections 3307.2 and 3307.3:

3307.2 The contractor shall leave contiguous buildings in a safe condition and shall not deface, mar, hurt or jeopardize any adjacent or nearby building, and any damage done to such adjacent or nearby building shall be repaired or restored by the contractor to the satisfaction of the Building Code Official. Extreme care must be exercised in the demolition of buildings adjacent to or nearby other structures which are to remain. The contractor shall be responsible for damages to adjacent or nearby building, and all repairs shall be made by the contractor at no expense to the owner of the adjacent or nearby building. Any walls of contiguous building left exposed by this demolition shall be preserved and treated so as to seal the surface of such walls and provide adequate weather protection. All work required by this subsection shall be completed within 30 days from the date any demolition work results in exposure to the elements of contiguous building walls or parapets, which time may be extended by the Chief Building Official for good cause.

3307.3 In the case of an existing party wall or an existing exposed wall which is not intended to be used by the person causing the demolition and where the surface of such wall is to remain exposed, such person causing the demolition shall preserve, at his own expense, the party or exposed wall by ensuring that the exposed surfaces are structurally sound and made permanently waterproof by the application of stucco, gunite, Driv-it or other approved material.

(6) The Code is amended by adding the following Section 3313 Sandblasting:

Section 3313 Sandblasting. The most gentle cleaning method possible shall be used to clean brick, stone or masonry surfaces. Brick and stone shall not be sandblasted with dry grit or hydro-silica blasting. In such cases where sandblasting has been approved by the Building Code Official as necessary for the maintenance of the historic structure, the sandblasting contractor shall conform to the requirements of Title 25 Pa. Code § 123.1 relating to the regulation of certain fugitive emissions, or its successor standards and water shall be used for all such sandblasting operations. These requirements shall apply equally to all commercial and residential projects.

B. The provisions of the International Code Council Electrical Code 2009 incorporated in 403.21 (a)(2) of the Uniform Construction Code of the Commonwealth of Pennsylvania are hereby amended as follows:

(1) Section 401.2 be and hereby is amended by adding the following subsection 401.2 (a), 401.2 (b) and 401.2 (c): "Persons owning industrial or manufacturing facilities requiring large and complex electrical wiring systems may make application for an annual permit relieving them from the requirements of § 401.2. If the Electrical Inspector is satisfied that such persons employ full-time competent personnel, skilled in electrical wiring systems conforming to the standards of this Electrical Code, the Electrical Inspector shall issue an annual permit. This permit shall be considered a company permit, and there shall be a flat fee of \$250 payable on or before January 1 of each year. It is not the intent of an annual company permit to cover work done by any part-time or outside contractor employed by the industrial or manufacturing concern.

(2) Section 401.2 Fee Schedule Table: Fees for electrical work and electrical work permits shall be established from time to time by Resolution of the City Council.

(3) Section 404-3 be and hereby is revised to read as follows: "Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be required to pay a permit fee equal to two times the amount established by City Council in accordance with § 404.2."

(4) Chapters 10 and 11 are deleted in their entirety.

C. The provisions of the International Plumbing Code 2009 as incorporated in § 403.21(a)(5) of the Uniform Construction Code of the Commonwealth of Pennsylvania are amended as follows:

(1) Section 102.4 be and hereby is amended to read as follows:

Section 102.4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded. All materials used for repairs shall be of like kind.

(2) Section 102.4 be and hereby is amended by adding the following subsections 102.4(a), 102.4(b), 102.4(c) and 102.4(d):

A. Where two or more buildings are connected to a common sewer, which common sewer then enters the public sewer in the street or alley adjoining such buildings, and such private sewer system is blocked, it shall be the duty of the owners of all buildings connected to such common sewer to cause the blockage to be removed immediately and the cost thereof shall be borne equally by the parties.

B. If the owner of the buildings connected to such blocked sewer fails to correct the same promptly and, as a result, the situation becomes hazardous to public health, the Plumbing Inspector shall cause the same to be corrected and collect the actual cost of labor, materials, equipment or any other item, service or expense incurred by the City to correct such blockage or failure and the administrative fee prescribed by Chapter 36, equally from the owners.

C. In addition to the foregoing remedies, if the situation warrants, the use of the common sewer shall be eliminated and the owner of each building required to connect such building separately to the public sewer.

D. Any bill for repairs made to a property pursuant to this chapter shall be paid by the owner in accordance with Chapter 36, Municipal Claims. Upon failure of the property owner to pay the amounts due the City in accordance with Chapter 36, the City shall be entitled to collect all amounts and pursue any or all of the remedies identified in Chapter 36, Municipal Claims.

(3) Section 106.6.2 be and hereby is amended to provide that City Council may from time to time establish fees and permit fees by Resolution.

(4) Section 605.3 be and hereby is amended to read as follows:

Section 605.3 Water service pipe: Water service piping for all R-2, R-3 and R-4 residential service lines shall be limited to type "K" copper, unless otherwise approved in writing by the City Water Bureau. Water supply pipes servicing all other groups shall be approved by the Water Bureau in writing before being submitted to the Building Code Official for approval and before being installed.”

SECTION 4. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 6. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this _____ day of _____, 2010, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

Janet Spleen, City Clerk

By: _____
J. Richard Gray, Mayor